

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	ANSWER, CIVIL (PAGE 1 OF 3)	CASE NO. and JUDGE 21-00391 Chapter 7 Hon. John T. Gregg
Court address <u>United States bankruptcy Court Western Division of</u> <u>One Division Ave. N. Room 200 Grand Rapids Michigan 616.456.2643</u>		
Plaintiff's name, address, and telephone no. <u>Melissa J. White</u>	Defendant's name, address, and telephone no. <u>Gary L. Rye II</u> <u>1419 Warwick Dr. Lansing MI.</u> <u>48910 #517-862-1645</u>	Court telephone no. <u>616.456.2643</u>
Plaintiff's attorney, bar no., address, and telephone no. <u>Matthew T. Smith (P46754)</u> <u>Kelly E. Kane (P81912)</u> <u>212 E Cesar E. Chavez #517</u> <u>Lansing MI 48906 318.3100</u>	Defendant's attorney, bar no., address, and telephone no. <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	

- ☒ Defendant, (Paragraph numbers in the answer must correspond to paragraphs in the complaint. Attach additional sheets if necessary.)
- ☐ Attorney for defendant, in answer to the complaint, states:
1. I ☒ agree with the statements in paragraph 1.
☐ disagree with the statements in paragraph 1 because 50% down 50% after completion.
☐ do not know if the statements in paragraph 1 are true.
2. I ☒ agree with the statements in paragraph 2.
☐ disagree with the statements in paragraph 2 because In accordance with MBEFA
☐ do not know if the statements in paragraph 2 are true. All funds allocated to roof project.
3. I ☐ agree with the statements in paragraph 3.
☒ disagree with the statements in paragraph 3 because same answer as #2 In addition
☐ do not know if the statements in paragraph 3 are true. Plaintiff witnessed delivery of supplies
and was present throughout roof project

☐ continued on page 2.

February 25th 2022
 Date

G. Rye II
 Defendant/Attorney signature

Gary Rye II
 Name (type or print)

IMPORTANT: If you have affirmative defenses, you must state them now using the last page of this form. If you do not, the court may prohibit you from raising them later. An affirmative defense is a defense claiming that the plaintiff is not entitled to a judgment because other facts exist that create a lawful defense. Affirmative defenses allow you to provide information to the court that is not stated in the plaintiff's complaint.

CERTIFICATE OF SERVICE

I certify that on this date I served a copy of this answer on the plaintiff(s) or their attorney(s) by
☐ personal service ☒ first-class mail addressed to their last-known address(es) as defined in MCR 2.107(C)(3).
 I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

February 25th 2022
 Date

G. Rye II
 Signature

Answer, Civil (1/21)
Page 2 of 2

Case No. 21-00391 JTG

Plaintiff's name Gary Rye II

v

Defendant's name Melissa J. White

continued from page 1.

4. I ☐ agree with the statements in paragraph 4.
☒ disagree with the statements in paragraph 4 because
☐ do not know if the statements in paragraph 4 are true.

my only intent was to help a friend who Plaintiff was referred.

5. I ☐ agree with the statements in paragraph 5.
☒ disagree with the statements in paragraph 5 because
☐ do not know if the statements in paragraph 5 are true.

All Funds were used on roof project

6. I ☐ agree with the statements in paragraph 6.
☒ disagree with the statements in paragraph 6 because
☐ do not know if the statements in paragraph 6 are true.

Again, All funds were used on roof Project. Plaintiff was present throughout.

7. I ☒ agree with the statements in paragraph 7.
☒ disagree with the statements in paragraph 7 because
☐ do not know if the statements in paragraph 7 are true.

I didn't use it for my own Benefit But I Admit it was Reckless not knowing this could occur

8. I ☐ agree with the statements in paragraph 8.
☒ disagree with the statements in paragraph 8 because
☐ do not know if the statements in paragraph 8 are true.

Plaintiff's funds were never withheld

9. I ☐ agree with the statements in paragraph 9.
☒ disagree with the statements in paragraph 9 because
☐ do not know if the statements in paragraph 9 are true.

A Law abiding Citizen would've stopped Plaintiff from encouraging defendant To finish roof Project without inspection or permit

10. I ☐ agree with the statements in paragraph 10.
☒ disagree with the statements in paragraph 10 because
☐ do not know if the statements in paragraph 10 are true.

My only intent was to complete the Task I was asked

- ☒ I ☐ agree with the statements in paragraph 11.
☐ disagree with the statements in paragraph 11 because
☐ do not know if the statements in paragraph 11 are true.

- ☒ I ☐ agree with the statements in paragraph 12.
☐ disagree with the statements in paragraph 12 because
☐ do not know if the statements in paragraph 12 are true.

- ☒ I ☐ agree with the statements in paragraph 13.
☐ disagree with the statements in paragraph 13 because
☐ do not know if the statements in paragraph 13 are true.

- ☒ I ☐ agree with the statements in paragraph 14.
☐ disagree with the statements in paragraph 14 because
☐ do not know if the statements in paragraph 14 are true.

- ☒ I ☐ agree with the statements in paragraph 15.
☐ disagree with the statements in paragraph 15 because
☐ do not know if the statements in paragraph 15 are true.

☐ continued on page 3.

Answer, Civil (1/21)
Page 3 of 3

Case No. 21-00391 Jtc

Plaintiff's name Gary Rye II

v

Defendant's name Melissa J White

AFFIRMATIVE DEFENSES

☒ Defendant, ☐ Attorney for defendant, states the following affirmative defenses:

CHECK ALL THAT APPLY (for each box checked, attach a statement of facts)

- ☐ 1. I paid this debt in full (satisfied). Attached is proof of payment.
- ☐ 2. This action is barred by the statute of limitations because
- ☐ the plaintiff failed to sue within six years of _____, the last activity on the alleged account.
MCL 600.5807(8) Date
- ☐ the alleged contract involves a motor vehicle retail installment sales contract or the sale of other goods, and the plaintiff failed to sue within four years of _____, the last activity on the alleged account.
MCL 440.2725(1) Date
- ☐ the plaintiff failed to sue within three years after the alleged contract of sale of a mobile home on _____.
MCL 125.2333 Date
- ☐ 3. ☐ I paid an amount that the plaintiff accepted as payment in full (accord and satisfaction). Attached is proof of payment.
- ☐ The debt was discharged in bankruptcy. The case number was _____.
- ☒ 4. The contract is void or voidable because
- ☐ I was a minor when the alleged contract was made.
- ☐ I was not mentally competent when the alleged contract was made. Probate case number _____.
Attached are my letters of conservatorship/guardianship.
- ☒ there was no valid contract (no meeting of the minds) because Both parties didn't understand terms, obligations or rights.
- ☐ 5. The contract was severely unjust or extremely one-sided (unconscionable).
- ☒ 6. I am not liable for the alleged damages because of the plaintiff's contributory negligence.
- ☐ 7. The alleged contract is unenforceable because it is not in writing (statute of frauds).
- ☐ 8. My vehicle was repossessed and later sold in a commercially unreasonable manner. MCL 440.9607(3).
- ☒ 9. The contract should not be enforced because of the plaintiff's improper conduct (fraud and/or duress).
- ☐ 10. The goods purchased were defective (failure of consideration).
- ☒ 11. The terms of the contract did not express what the parties intended (mutual mistake).
- ☐ 12. I have not been credited for all payments made on the alleged account. Attached is proof of payment.
- ☐ 13. Other: Plaintiff had multiple contractors and family members on roof during and After project complete

February 25th 2022
Date

G. Rye II
Defendant/Attorney Signature
Gary Rye II
Name (type or print)